

**Stackpole, Peter**

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**From:** Stackpole, Peter  
**Sent:** Tuesday, June 26, 2007 5:00 PM  
**To:** 'Jacobson, Barbara Bison'  
**Subject:** FW: Lotz/Hoog  
**Attachments:** Lotz-Hoog Schedule.xls

Barbara,

Attached is a spreadsheet that shows Lotz and Hoog's work schedules from mid to late 2000 until May 13, 2006. (This is the best data available for their work schedules. The companies have no retention policies for desk diaries and E-23 does not have the desk diary for year 2000.) Each day that Hoog and Lotz worked will have anywhere from 10 to 20 plus runs. Each run is a separate medical run report and can only be searched through someone physically looking through microfiche or handling the document itself (if it is hardcopy). In total, Mose conservatively estimates that this would involve the review by hand of at least 16,000 documents (for both individuals combined). On top of that, the City would need some type of assurance that by tendering the records we are not violating any provisions of HIPAA. Again, not having looked at HIPAA in a very long while, please tell me if I am wrong and there is some obvious way to get around it. We could redact of course, but it seems to me that you need the medical information to determine if the person was similarly situated. And fyi, Mose informed me that up until recently there was no box on the form 33 to check for the person's race. Therefore, the vast majority of the form 33s may not even show if the patient was white or black. Even now that the form 33s have a box for the patient's race, the firefighters are not required to fill in that box and some do and some don't.

If it would help, I've asked Assistant Chief Demasi to be ready to explain to the Court why obtaining the information would be intensive and time consuming. But before we get to the mechanics of producing and copying the information that is available, I want to resolve the HIPAA questions so that I am satisfied I am not causing my client to violate any laws by responding to discovery.

Thanks,  
Pete

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**From:** DeMasi, Mose  
**Sent:** Tuesday, June 26, 2007 11:39 AM  
**To:** Stackpole, Peter  
**Subject:** FW: Lotz/Hoog

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**From:** Ware, Monique  
**Sent:** Tuesday, June 26, 2007 11:27 AM  
**To:** DeMasi, Mose  
**Cc:** Jones, Will; Fossett, Mike  
**Subject:** Lotz/Hoog

Attached are their work schedules from the As/400 from 2000 to May 13 2006. Anything after that date should be available in the CFDWEB.

*Monique Ware*



9/24/2007

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